

## **Minutes of the Regular Meeting January 13, 2004**

**Twin Pines Senior and Community Center, 1223 Ralston Avenue**

**CALL TO ORDER - 7:40 P.M.**

### **ROLL CALL**

COUNCILMEMBERS PRESENT: Warden, Feierbach, Mathewson, Bauer, Metropulos

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Kersnar, Assistant City Manager Rich, City Attorney Savaree, Public Works Director Davis, Community Development Director Ewing, City Clerk Cook.

### **SPECIAL PRESENTATIONS**

#### **Mid-Peninsula Water District presentation on Chloramines.**

David Kraska, Carolla Engineers, Walnut Creek, briefly described the Mid-Peninsula Water District's delivery system. He stated that the addition of chloramines to the water received in Belmont homes and businesses, which would begin on February 2, was in response to new regulations for higher water quality. He stated that chloramines did not change the taste of the water, and added that some people reported the water tasted better with its addition.

Mr. Kraska stated that chloramines would not affect plumbing, but clarified that some rubber components may deteriorate more quickly. He also stated that chloramines could not be present in the water used by dialysis patients, and that the water district was working with the Department of Health Services to deal with this issue. He added that other industries may also need to make adjustments in their processes if more pure water was required.

Mr. Kraska concluded that Mid-Peninsula water was prepared for the chloramines addition, and that the change would not be noticeable by the public.

In response to Council questions, Mr. Kraska stated that wholesale water rates would likely increase, but the effect on individual water bills was not known. He clarified that the addition of chloramines required minor capital improvements, but the majority of changes were in operations. He also stated that individual water filters

could remove some chloramines, but that it was not advisable to remove all. Mr. Kraska described the various processes that owners of fish and reptile tanks should use to address the addition of chloramines in the water.

## **PUBLIC COMMENTS AND ANNOUNCEMENTS**

**Gene Lee**, Davey Glen Road, requested that the Council reconsider its denial of his request to amend the scenic easement for his project. He stated that he thought the fence was necessary for safety, especially along the frontage on Davey Glen Road.

**Steve Eckert**, Oak Knoll Drive, submitted copies of documents regarding his upcoming appeal hearing, and clarified that the packet included updated photos and background information. He also stated he was requesting a refund of his appeal fee. He commented that the City was missing files he had requested, and that he had not been advised of the date of his appeal hearing.

City Attorney Savaree stated that if the applicant continued to provide additional information, it could delay the hearing date because staff needed time to analyze the documentation.

Councilmember Warden stated that during Mr. Eckert's previous appeal hearing, the applicant provided a considerable amount of new documentation, and that if this occurred again, he would request a continuance.

## **COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS**

Councilmember Feierbach announced the Economic Development Summit to be held on January 24<sup>th</sup>. She stated that this important meeting was a culmination of the visioning work recently undertaken by the City.

Councilmember Warden stated that the Chamber of Commerce would be considering the addition of a Citizen's Task Force for code enforcement of businesses.

Mayor Metropulos announced that Cal Train would be holding a public hearing on February 5 where "Option C" would be considered for its new weekend schedule, and noted that Option C included an hourly stop in Belmont.

Mayor Metropulos also announced that Governor Schwarzenegger's budget proposal included the taking of property tax revenue from cities and counties. He stated that this ranged from \$150,000 to \$230,000 annually for Belmont, which would have serious consequences for local government.

## **AGENDA AMENDMENTS**

Mayor Metropulos stated that at the request of a Councilmember and a member of the public, the following items on the Consent Agenda would be removed for separate consideration: **4-D** (*Resolution adopting a Negative Declaration of Environmental Significance for a zone Text Amendment to Sections 5.2 (C-1 Neighborhood Commercial) and 5.4 (C-3 Highway Commercial) of the Belmont Zoning Ordinance for Cabaret Uses*), **4-E** (*Ordinance amending Section 5.2 (C-1 – Neighborhood Commercial District) and Section 5.4 (C-3 – Highway Commercial District) of the City of Belmont Zoning Code*), **4-G** (*Resolution amending Council Protocols*), and **4-H** (*Resolution to Determine Property Tax Exchange for Proposed Detachment/Annexation at 300, 400 and 550 Club Drive*).

## **CONSENT CALENDAR**

**Approval of** meeting minutes: Special and Regular Meeting of December 9, 2003.

**Motion to** waive reading of Ordinances.

**Motion to** accept Written Communication 1) FCC Consent Motion for Extension of Time, In the Matter of Family Stations, Inc., Case No. CSR-6135-A, received January 5, 2004; 2) FCC Petition, Opposition to Petition for Partial Reconsideration, In the Matter of Family Stations, Inc., Case No. CSR-6135-A, received December 22, 2003; 3) US Bankruptcy Court, District of Delaware, In Re BRAC Group, Inc., Notice of Hearing to Consider Approval of Disclosure Statement, Case No. 02-12152 (CGC), received December 16, 2003; 4) FCC Petition, Petition for Partial Reconsideration, In the Matter of Family Stations, Inc., Case No. CSR-6135-A, received December 8, 2003.

**Approval of Resolution 9497**, Accepting Work, Approving Contract Change Order No. 1, and Authorization to Issue Notice of Substantial Completion for Bus Routes Rehabilitation - Various Streets Phase I, O'Grady Paving, Inc., City Contract No. 449.

**Action:** On a motion by Councilmember Bauer, seconded by Councilmember Mathewson, the Consent Calendar, as amended, was unanimously approved by a show of hands.

## **ITEMS REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION:**

**Resolution adopting a Negative Declaration of Environmental Significance for a zone Text Amendment to Sections 5.2 (C-1 Neighborhood Commercial) and 5.4**

**(C-3 Highway Commercial) of the Belmont Zoning Ordinance for Cabaret Uses (Appl. No. 03-0106), and Ordinance amending Section 5.2 (C-1 – Neighborhood Commercial District) and Section 5.4 (C-3 – Highway Commercial District) of the City of Belmont Zoning Code. (2<sup>nd</sup> reading and adoption).**

Community Development Director Ewing stated that these two items represented the final actions for adding cabaret uses to conditional uses in commercial zoning districts. He stated that the first reading and public hearing for the adoption of the ordinance was held on December 9, 2003.

**Judi Allen**, Alameda de las Pulgas, stated that she supported the amendment but had concerns regarding the addition of cabaret use in C-1 commercial zoning, which was adjacent to residential use. She noted that one of the findings to be made for this amendment was the promotion of peace, and that tighter language should be included to control noise. She also expressed her concerns regarding the length of time to wait for enforcement if there was a problem.

Council discussion ensued. Community Development Director Ewing responded that a noise meter could be used to measure noise levels, and that its use could be required on a case-by-case basis. He also clarified that specific controls could be implemented through the conditional use permit process.

Council concurred that the noise ordinance could be reviewed at a later date to deal with specific noise issues.

**Action:** On a motion by Councilmember Bauer, seconded by Councilmember Feierbach, Resolution 9498, adopting a Negative Declaration of Environmental Significance for a zone Text Amendment to Sections 5.2 (C-1 Neighborhood Commercial) and 5.4 (C-3 Highway Commercial) of the Belmont Zoning Ordinance for Cabaret Uses (Appl. No. 03-0106), was unanimously approved by a show of hands.

**Action:** On a motion by Councilmember Warden, seconded by Councilmember Mathewson, Ordinance 995, amending Section 5.2 (C-1 – Neighborhood Commercial District) and Section 5.4 (C-3 – Highway Commercial District) of the City of Belmont Zoning Code, was unanimously adopted by a show of hands.

**Resolution amending Council Protocols.**

Councilmember Bauer stated that he requested removal of this item for separate consideration because he was opposed to the change in the selection process for

Mayor and Vice Mayor. He stated that the succession method was working, and that he saw no other reason to change it other than to prevent him from becoming Mayor.

Councilmember Warden stated that there were individual sections of the Protocols he did not agree with, but that he was prepared to vote for the Protocols as presented. He clarified that he did not benefit from the succession method of Mayor/Vice Mayor, and read an email he had sent to the City Council (on file in the Clerk's office), clarifying that had become Mayor prior to the date that Council approved the succession method.

**Action:** On a motion by Councilmember Warden, seconded by Councilmember Mathewson, Resolution 9499 Amending Council Protocols, was approved by a vote of 4-1 (Bauer, no).

**Resolution to Determine Property Tax Exchange for Proposed Detachment / Annexation at 300, 400 and 550 Club Drive.**

Community Development Director Ewing stated that this resolution outlined the tax exchange agreement for three properties on Club Drive to de-annex from Belmont and annex to San Carlos. He clarified that while the property tax monies would go to San Carlos, that the agreement provided that monies allocated for the Fire Protection District be maintained by Belmont. He clarified that the tax sharing agreement must be approved by both cities before the application to LAFCO is deemed complete.

In response to Councilmember Warden, City Manager Kersnar acknowledged that with this agreement, Belmont would lose \$42,000 in tax revenues over ten years' time. He also clarified that if the South County Fire Authority were to dissolve, the tax agreement would need to be renegotiated. He noted that these three properties were the only non-San Carlos addresses fronting on Club Drive.

Councilmember Warden stated that while he concurs that the properties would fit in better if they had San Carlos addresses, this agreement was not in the best interest of Belmont. He also stated that the current situation does not devalue the properties.

In response to Councilmember Bauer, Community Development Director Ewing stated that if the resolution were not approved, the LAFCO process of annexation would stop.

**Action:** On a motion by Councilmember Warden, seconded by Councilmember Feierbach, a resolution to Determine Property Tax Exchange for Proposed Detachment / Annexation at 300, 400 and 550 Club Drive was denied by a vote of 3-2 (Metropulos/Bauer, no).

## **PUBLIC/HEARINGS**

### **Public Hearing to consider a Resolution accepting \$100,000 from the State of California Citizens Option for Public Safety (COPS) Program.**

Acting Police Chief Mattei stated that this grant provided \$100,000 in funds, which would enable the police department to maintain one additional Community Service Officer and one sworn officer. He clarified that grants monies from previous years provided funding for computer equipment, in addition to funding these two staff positions.

Mayor Metropulos opened the Public Hearing. No one requested to speak.

**Action:** On a motion by Councilmember Mathewson, seconded by Councilmember Bauer, the Public Hearing was unanimously closed by a show of hands.

**Action:** On a motion by Councilmember Bauer, seconded by Councilmember Mathewson, Resolution 9500, Accepting \$100,000 from the State of California Citizens Option for Public Safety (COPS) Program was unanimously approved by a show of hands.

### **Public Hearing to adopt amendments to Section 13 (Design Review) and establish Section 13A Single Family and Duplex Residential Design Review of the Belmont Zoning Ordinance (Ord. 360) (first reading).**

Community Development Director Ewing stated that these recommended revisions to the Design Review Ordinance represented eighteen months of work by staff and the Planning Commission. He noted that the amendments addressed the areas of trees, encroachments, landscaping, architectural review, and solar access. He clarified that the amendments also corrected inconsistencies in the ordinance, and that the findings to be made better reflected community values. He reviewed the details of the recommended changes. He noted that these amendments could result in a reduction of design review fees, but noted that this would be addressed during the budget process.

Council discussion ensued. Community Development Director Ewing clarified that the 400 square foot threshold for Planning Commission review was based on the size of a two-car garage, and that the Commission's recommendation was to maintain that threshold. He also clarified that most single-family additions involved more than 1,000 square feet, since costs made smaller additions not economically feasible.

Community Development Director Ewing also clarified that staff reviewed final design drawings to minimize changes from the preliminary drawings approved by the

Planning Commission. He stated that if paint colors are approved as part of design review on commercial development, subsequent changes would require a modification to the approved design. He clarified that enforcement is done on a complaint basis.

Mayor Metropulos opened the Public Hearing.

**Judi Allen**, Alameda de las Pulgas, requested clarification of when approvals were needed for paint color. Community Development Director Ewing responded that the approval of paint color was not required for residential duplexes or for older commercial buildings not previously subject to the current design review process.

**Action:** On a motion by Councilmember Bauer, seconded by Councilmember Mathewson, the Public Hearing was unanimously closed by a show of hands.

Councilmember Mathewson stated he had been a member of the Planning Commission during the process of this recent review of this ordinance, and congratulated the Commission for recommending changes that were in the best interest of the City.

**Action:** On a motion by Councilmember Feierbach, seconded by Councilmember Bauer, Resolution 9501 Adopting a Negative Declaration of Environmental Significance for Zoning Text Amendment to Revise Section 13 (Design Review) and Establish Section 13A Single Family and Duplex Residential Design Review of the Belmont Zoning Ordinance, was unanimously approved by a show of hands.

**Action:** On a motion by Councilmember Feierbach, seconded by Councilmember Bauer, an Ordinance amending Section 13 (Design Review) and establish Section 13A Single Family and Duplex Residential Design Review of the Belmont Zoning Ordinance (Ord. 360), was unanimously approved, further reading waived, and second reading set for January 27, 2004.

## **OLD BUSINESS**

### **Discussion and direction regarding Patricia Wharton Park and Alameda Gateway Project.**

Parks and Recreation Director Mittelstadt stated that these two pocket parks had been previously selected for upgrading, but that funding had never been allocated. He clarified that the Parks and Recreation Commission was requesting that they be placed on the priority calendar for funding. City Manager Kersnar clarified that the funding issue would be brought to Council at the mid-year Budget review in February.

**Rick Frautschi**, park committee member for the Central Neighborhood Association, stated that the Central Neighborhood was deficient in park space. He noted that 19.6 acres is the standard for the neighborhood, but only 7.1 acres of park space existed. He clarified that while park space would be difficult to increase, renovation of existing parklands could be done. He noted that Patricia Wharton Park was in the core of the neighborhood, and is a priority for the neighborhood association.

**David Long**, President, Central Neighborhood Association, clarified that Patricia Wharton Park was created as a result of a 4-H project 40 years prior. He supported the prioritization of its renovation.

**Action**: On a motion by Councilmember Mathewson, seconded by Councilmember Warden, Resolution 9502 Authorizing Staff to Proceed with the Design of the Patricia Wharton Park and Alameda Gateway Project was unanimously approved by a show of hands.

**RECESS: 9:25 P.M.**

**RECONVENE: 9:30 P.M.**

**Update on Safe Routes to School Improvements along Hiller Street.**

Public Works Director Davis presented a history of this project, which was funded by a Safe Routes to Schools grant in 1999. He reviewed the series of public meetings held, at which time improvements to pedestrian safety and the proposed pedestrian/bike bridge over US 101 were reviewed. He noted that attendance at these meetings was small. He clarified that the bridge project had been delayed, and funding for the Safe Routes portion of the project was in jeopardy if not implemented, so the two projects were separated.

Public Works Director Davis clarified that the Safe Routes project had yet to be completed. He clarified that while all the bulbouts had been installed, not all the striping had been done, nor had a stop sign been moved as planned. He noted that this project was not subject to Belmont's Traffic Calming Program, since that had been implemented subsequent to the start of the Safe Routes project, but that the policies and process of the Traffic Calming Program had been followed.

Public Works Director Davis stated that traffic lanes on Ralston were 12 feet wide, as were those on Hiller, with the bulbouts. He noted that some streets in Belmont were only 10 feet wide. He clarified that the South County Fire Authority had approved the plan, and that preliminary speed studies indicated that vehicular speed had been reduced as a result of the implementation of this project.



Public Works Director Davis reviewed the following options available for this project, and noted that there were no monies available for changes to the plan:

**Option 1:** Leave as is

**Option 2:** Minor Modifications to improve visibility of bulbouts.

**Option 3:** Major Modifications, including improvement of aesthetics, installing irrigation and landscaping, and removing selected bulbouts.

**Option 4:** Remove all devices.

**William Dickenson**, President, Sterling Downs Neighborhood Association, stated that he would like to meet with staff regarding this issue, and had attempted to do so since September. He recommended Option 3.

Public Works Director Davis stated that staff was willing to work with the neighborhood association, but was waiting for Council direction. He clarified that the project was not yet completed.

Councilmember Bauer stated that although he would prefer Option 3, it was not financially feasible. He recommended Option 2, but to plan for Option 3 when money became available.

Councilmember Warden stated that what is seen on paper is not often how projects look when completed. He noted that traffic calming is easy to implement for new developments, but difficult to implement in established neighborhoods, and cited the Hastings Drive traffic calming program as an example. He stated that the post office does not like the program in Sterling Downs, and that he favored Option 3.

Councilmember Mathewson stated that the initial public meetings and Planning Commission reviews of this project focused on the pedestrian/bike bridge, not the Safe Routes component. He favored Option 3, and recommended using the Planning Commission to review aesthetics of traffic calming wherever implemented.

Mayor Metropulos stated that he supported Option 2, and could support Option 3, but was concerned about funding. He clarified that he had not heard from residents regarding this project for some time. He recommended working with the neighborhood association.

**Action:** On a motion by Councilmember Warden, seconded by Councilmember Mathewson, Option 3, to explore working with area residents as an outreach to improve aesthetics, was unanimously approved by a show of hands.

**Discussion and direction regarding recommendations in staff reports.**

City Manager Kersnar stated that the issue of staff recommendations affected land use cases. He clarified that community values sometimes competed, and that someone needs to decide on a recommended course of action. He noted that land use issues are often subjective. He reviewed the options available for future staff recommendations. He also stated that projects have many options, and was not uncommon that some are too close for staff to make a specific recommendation.

In response to Councilmember Feierbach, City Attorney Savaree stated that there is no legal ramification if there were no staff recommendation, but that for variances, staff would have difficulty, since it needs to analyze the required facts and findings.

Councilmember Warden commended staff for its report, and noted that it analyzed the issues well. He noted that it is not Council's job to tell staff how to write staff reports. He recommended that close calls should be called out by staff, and that sometimes no staff recommendation is warranted. He clarified that it was not his intent to mandate no staff recommendation in all instances, and suggested seeking input from the Planning Commission on this issue. Councilmember Bauer and Mayor Metropulos agreed.

**Warren Gibson**, Planning Commission Chair, stated that he is not opposed to having staff make a recommendation in their reports, and that sometimes the Planning Commission votes against the staff recommendation. He noted that this was often an issue during the appeal process. He stated that it is hard to pinpoint close calls ahead of time, as issues often arise during the hearing.

Council concurred to have staff implement the changes recommended in the staff report as a trial.

**Update and Recommended Action Plan for the Pavement Management Program.**

Public Works Director Davis stated that there are no additional State monies available to augment the budget for additional paving and road reconstruction for the current fiscal year, although Federal monies may be available in the next fiscal year. He noted that Belmont's arterial streets measured at a Pavement Management Index (PMI) of 85 (on a scale of 100), and the collector streets averaged a PMI of 58, which is lower than desirable. He reviewed the options available with the current funding level, and

recommended that Council roll the \$400,000 budget into next year, when an additional \$400,000 will become available. He clarified that this action would provide additional staff time for other priorities.

Council discussion ensued, and concurred to roll the pavement budget over to the next fiscal year.

### **MEETING EXTENSION**

**Action:** At this time being 10:30 P.M., on a motion by Councilmember Warden, seconded by Councilmember Mathewson, the meeting was unanimously extended by 30 minutes.

### **NEW BUSINESS**

#### **Parking Issues Work Plan.**

Public Works Director Davis stated that staff addressed parking issues on a complaint basis. He reviewed the current procedures, as well as options for changes to the system. He stated that the Traffic Safety Committee (TSC) was comprised of City staff including police, fire, public works, code enforcement, and planning. He clarified that the TSC met on an as-needed basis. He noted there had been only two requests in the past six months. He stated that requests can be submitted on a form provided by staff, and that an evaluation of the request is made.

In response to Councilmember Warden, Public Works Director Davis clarified that the number of requests for the TSC has been reduced because the Public Works Department has been able to handle more requests without the full team approach.

Council discussion ensued, and Council concurred to implement Alternative 2: *The Parking Program Work plan be adopted and the staff time previously allocated for the Pavement Management Program and the FY04 Roadway Resurfacing Capital Improvement Projects be used to implement the Parking Program Work plan.*

### **BOARD, COMMISSION, COMMITTEE UPDATES, AND STAFF REPORTS**

#### **Review of Intergovernmental Relations Policy.**

Assistant City Manager Rich stated that this was a yearly review of the policy regarding how to handle responses to pending legislation and other matters. He reviewed the recommended minor modifications, and suggested that Council review the policy every two years with Council Protocols.

**Action:** On a motion made by Councilmember Mathewson, seconded by Councilmember Warden, the Intergovernmental Relations Policy was unanimously amended as presented, by a show of hands.

### **Amendments to Council Intergovernmental Assignments.**

City Manager Kersnar reviewed the three areas of assignments that needed Council review or direction. He noted that the Housing Endowment and Trust assignment (H.E.A.T.) would be moved to the third page of Council Intergovernmental Assignments, which includes assignments that are made by the City Selection Committee. He stated that although any member of Council can attend the League of California Cities events and conferences, last spring the League had requested that one member of Council be designated to facilitate communications. He clarified that at that time the assignment was undertaken by Councilmember Bauer. City Manager Kersnar noted that the Board of Supervisors had recently requested that Council designate one of its members to serve on an upcoming Hospital Task Force.

### **H.E.A.T.**

Councilmember Mathewson stated that Council of Cities would be addressing the HEAT assignment at its meeting in February, and that he was asked to sit at the table until then.

### **League of California Cities Liaison**

Councilmember Warden stated that he would like to serve on the League of California Cities assignment. He noted that Councilmember Bauer had depleted his City budget for conferences.

Councilmember Mathewson stated that Councilmembers should not remain in the same assignment for years, and that he supported Councilmember Warden for this assignment.

Councilmember Bauer expressed his desire to continue with this assignment, which had just begun recently. He stated that he serves on a Political Action Committee (PAC), and that he has spent personal funds attending League events. He encouraged other Councilmembers to get involved in League activities.

Mayor Metropulos asked for a show of hands of those in favor of having Councilmember Bauer remain as liaison to the League of California Cities. Councilmember Bauer and Mayor Metropulos raised their hands.

Mayor Metropulos then asked for a show of hands of those in favor of having Councilmember Warden serve as liaison. Councilmembers Warden and Mathewson raised their hands.

Council concurred to have Councilmembers Bauer and Warden share the assignment.

### **Hospital Task Force**

Mayor Metropulos stated that Supervisor Jerry Hill had requested that he serve on this committee, and agreed to do so if there was Council concurrence.

Council concurred to have Mayor Metropulos take on this short-term assignment.

### **MATTERS OF COUNCIL INTEREST/CLARIFICATION**

#### **Consideration to designate applicable paper streets as public trails (Warden).**

Councilmember Warden stated that many of the "paper" streets are being used informally as trails for pedestrians and bikes. He suggested formalizing their designation as trails, and to post notices at trail heads.

Council concurred to add this to the priority calendar for future consideration.

### **MEETING EXTENSION**

**Action:** At this time being 11:00 P.M., on a motion by Councilmember Mathewson, seconded by Councilmember Bauer, the meeting was unanimously extended by 30 minutes.

#### **Request for Council to send written communication asking that the annual Progress Seminar be moved to San Mateo County (Warden).**

Councilmember Warden stated that many cities in San Mateo County had recently expressed support to move the annual Progress Seminar from Monterey to San Mateo County. He expressed his desire for Belmont to do so as well.

Council concurred to have staff write a letter making this request, effective for the 2005 Seminar.

**ADJOURNMENT** at this time, being 11:04 P.M.

Terri Cook

City Clerk

Meeting Tape Recorded & Videotaped

Tape #569